

REMARKS

This application has been carefully reviewed in light of the Office Action dated May 20, 2005. Claims 2, 4, and 7-20 are in the application, of which Claims 2, 4, 7, and 14 are independent claims. Claims 2 and 4 have been amended. Claims 1, 3, 5, and 6 have been cancelled without prejudice or disclaimer of subject matter. Reconsideration and further examination are respectfully requested.

Initially, the Examiner's indication that Claims 7 to 12 and 14 to 19 are allowed, and that Claims 2 and 4 contain allowable subject matter, is acknowledged with appreciation.

In the Office Action, Claim 6, 13 and 20 were rejected under 35 U.S.C. § 112, ¶ 2, as allegedly being indefinite. Specifically, the Office Action alleges that, since the term "material" has not been strictly defined, reference to "the same material as the waveguide polarizer" is vague. Applicant respectfully disagrees.

In more detail, Applicant asserts that, since MPEP § 2173.05 allows components to have antecedent basis of inherent components in the recitation of the components themselves, it would be reasonably ascertainable by one skilled in the art to assume that waveguide polarizer 100, a physical object, is made up of "material," as the term is commonly defined. *See* MPSP § 2173.05(e). Indeed, ¶ [0022], as originally filed, clearly indicates that, "[a]s one skilled in the art will appreciate, waveguide polarizer 100 can be manufactured using any suitable material that can propagate electromagnetic waves, such as aluminum, steel, or the like." *See* ¶ [0022](as filed).

Accordingly, it having been shown that waveguide polarizer 100 is made of a material, Applicant respectfully asserts that there is no vagueness in comparing this defined material with the material which inherently makes up phase error adjustment device 110, which is another

physical object. Support for this feature is found throughout the disclosure, including ¶¶ [0008] and [0022] of the specification, and Claims 6, 13, and 20. As such, withdrawal of the § 112, ¶ 2 rejection and further examination are respectfully requested.

Claims 1, 3, 5 and 6 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 3,656,070 ("Monaghan"). As indicated above, Claims 1, 3, 5 and 6 have been cancelled herein, without prejudice or disclaimer of subject matter, and without conceding the correctness of their rejection. Accordingly withdrawal of the rejection and further examination are respectfully requested.

Accordingly, based on the foregoing amendments and remarks, independent Claims 2, 4, 7, and 14 are believed to be allowable. The other rejected claims in the application are each dependent from the independent claims and are believed to be allowable for at least the same reasons. Because each dependent claim is deemed to define additional aspects of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, it is believed that the entire application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Orange County office by telephone at (949) 851-0633.

All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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